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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,140	03/11/2004	Domenic V. Apprille JR.	8127	5560

27752 7590 05/17/2006

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EXAMINER

MICHALSKI, SEAN M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,140	Applicant(s) APPRILLE, DOMENIC V. C	
	Examiner Sean M. Michalski	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 61-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/7/06, 4/25/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In the following action, Examiner uses a shorthand notation denoting dependence of claims, where cases of multiple dependency exist. For example "5/2" indicates "claim 5 dependant on claim 2".

Election/Restrictions

1. Applicant's election without traverse of Invention I: claims 1-60, in the reply filed on 4/24/2006 is acknowledged.
2. Claims 61-65 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/24/2006.

Information Disclosure Statement

3. The Information Disclosure Statements filed 4/7/2006 and 4/25/2005 have been reviewed by the Examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 2, 4, 5/2, 6, 7/5/2, 8-11, 18, 28 and are rejected under 35 U.S.C. 102(b) as being anticipated by Petrillo (USPN 3,797,657).

6. Regarding claims 1 and 28, Petrillo discloses a dispenser for razor blade cartridges (figure 1), each cartridge including a blade unit (20, 100; figure 4) and a cartridge connecting portion (102 figure 1) for connecting the cartridge to a handle (figure 6), the dispenser comprising a housing structure including a base (12 figure 5) and angled cartridge dividers (200 figure 7 is an angled cartridge divider) that define sections for receiving respective cartridges (seen in figure 7) and retaining the cartridges in predetermined positions (figure 1) that permit connection of a handle connecting structure on the handle to one of the cartridges as the handle is moved toward the cartridge(see figure 6); each section comprising a latch shaped and positioned to interact with a corresponding resilient feature on the blade unit of the cartridge (26 is a latch, seen in engagement with corresponding resilient feature 116 figure 6), the latch being sufficiently rigid to resist movement during removal of a cartridge from the dispenser (column 3 lines 43-50). The blade unit includes an elongate housing (20 figure 4), and having a resilient latching portion (116 figure 6).

7. Regarding claim 2, Petrillo further discloses that each section comprises a pair of latches (24, 26 figure 7).

8. Regarding claim 4, Petrillo further discloses that the latch comprises a latch protrusion (30, 35, figure 6) shaped to interact with a corresponding protrusion (116 figure 6) on the blade unit (20 figure 6 is the blade unit).

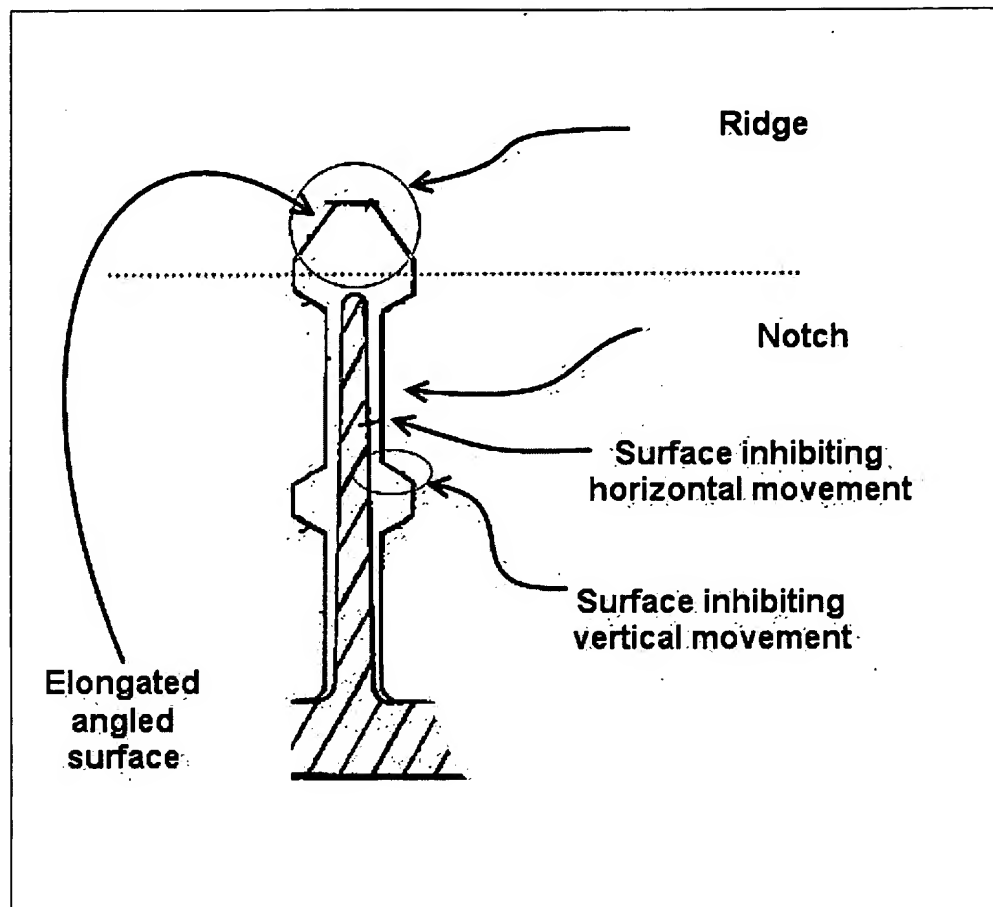
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9. Regarding claim 5/2, Petrillo further discloses that each latch comprises a latch protrusion (24, 26) shaped to interact with a corresponding protrusion on the blade unit (the interaction between 24 and 116 is seen in figure 7).

10. Regarding claim 6, Petrillo further discloses the blade unit is retained by an interference fit (figure 7, 20 is snugly retained by latches 26, 24; column 3 lines 1-10) with the protrusion.

11. Regarding claim 7/5/2, Petrillo further discloses the blade unit is retained by an interference fit (figure 7, 20 is snugly retained by latches 26, 24; column 3 lines 1-10) with the protrusion.

12. Regarding claim 8, Petrillo further discloses that the latch comprises an elongate ridge (see below)



13. Regarding claim 9, Petrillo further discloses a notch (see figure above).
14. Regarding claim 10, Petrillo further discloses surfaces to inhibit movement (see figure above).
15. Regarding claim 11, Petrillo further discloses an elongated angled surface configured to facilitate insertion of a blade unit into the respective section (column 3 line 4).
16. Regarding claims 18 and 48, Petrillo further discloses that the cartridge dividers further include blade unit dividers that extend perpendicularly from the base (200 figure 7) and define blade unit regions in which the blade units are received (see figure 7, the dividers demark the limits of a region within which the blade units 20 are received).

17. Claims 1-5, 8, 9, 21, 28 and 31-35, 38-48, 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohring et al. (USPN 5,518,114).

18. Regarding claim 1, 2, 28 and 31-33, Kohring discloses a dispenser for razor blade cartridges (C figure 11), each cartridge including a blade unit (C figure 11) and a cartridge connecting portion (the pegs on C figure 11) for connecting the cartridge to a handle (H figure 12), the dispenser comprising a housing structure including a base (17 figure 5) and angled cartridge dividers (18, 19, 20, 21 figure 2 are angled cartridge dividers) that define sections for receiving respective cartridges (seen in figure 5) and retaining the cartridges in predetermined positions (figure 10) that permit connection of a handle connecting structure on the handle to one of the cartridges as the handle is moved toward the cartridge(see figure 12); each section comprising a pair of latches (38,39 figure 10) shaped and positioned to interact with a corresponding resilient feature on the blade unit of the cartridge (38, 39 are latches, seen in engagement with corresponding resilient feature : the extremes of the cartridge C), the latch being sufficiently rigid to resist movement during removal of a cartridge from the dispenser (column 3; lines 55-56, 62-65). The blade unit includes an elongate housing (seen in figure 11), and having a resilient latching portion (the entire housing is a resilient latching portion, 32 and 33 are specifically resilient latching portions as are the far).
19. Regarding claim 3, Kohring further discloses that the latches are positioned on inner surfaces of opposed side walls of the housing (seen in figure 1).

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20. Regarding claims 4 and 34 Kohring further discloses that the latch comprises a latch protrusion (38, 39; figure 2) shaped to interact with a corresponding protrusion (the extreme ends of cartridge C) on the blade unit (C figure 11).

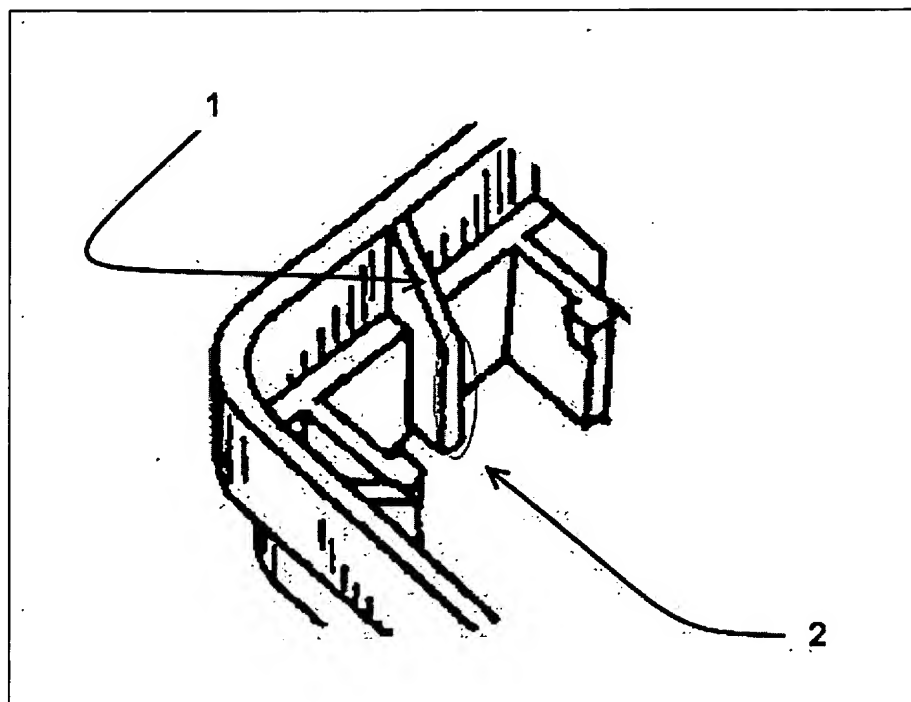
21. Regarding claim 5/3 and 35 Kohring further discloses that the latch comprises a latch protrusion (38, 39; figure 2) shaped to interact with a corresponding protrusion (the extreme ends of cartridge C) on the blade unit (C figure 11).

22. Regarding claim 8, 13, 38 and 43 Kohring further discloses that the latches comprise elongate ridges (38, 39; figure 11)

23. Regarding claims 9, 14, 39 and 44, Kohring further discloses that the latch protrusion has a notch. In figure 11 it can be seen that the ridge is not rectangular from base to tip, that there is in fact a triangular notch from half way up the protrusion to the full height of the protrusion.

24. Regarding claims 12, 17, 42 and 47, Kohring further discloses that the ridge extends vertically and is attached to an inner side wall of the dispenser (see figure 12).

25. Regarding claims 10/4, 10/8, 15/5, 15/13, 40, 45 Kohring further discloses that the latches have two surfaces, seen below, labeled 1 and 2 for convenience.



Surface 1 is positioned to inhibit vertical movement of the protrusion on the blade unit, since it was designed to cam with that surface and prevent it from being located in the area below surface 1 (column 3 lines 35-40). Surface 2 is positioned to inhibit horizontal movement of the respective protrusion on the blade unit. When the blade unit C is in the housing, its movement towards the latch is inhibited by the presence of the latch. The latch prevents the protrusion from moving horizontally out of the housing.

26. Regarding claim 16, 41, 46 Kohring further discloses that each ridge includes an elongated angled surface configured to facilitate insertion of a blade unit into the respective section. Surface 1 (in the figure above) was designed to cam with the blade unit (column 3 lines 35-40).

27. Regarding claim 18, Kohring further discloses that the cartridge dividers further include blade unit dividers that extend perpendicularly from the base (18, 19, 20, 21

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figure 1)) and define blade unit regions in which the blade units are received (the dividers demark the limits of a region within which the blade units are received; 24, 25, 26, 27, 28; figure 1).

28. Regarding claims 21 and 51, Kohring further discloses drainage holes associated with each section of the base (seen in figure 1).

29. Regarding claims 22 and 52, Kohring further discloses raised members (30 figure 1) on which the end structures of the cartridge are supported (figure 11) so as to avoid contact of the blades with the dispenser (figure 11).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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32. Claims 6 and 7/5/3, 29, 30, 36, 37, 59, and 60 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring.

33. Regarding claims 6 and 36, Kohring does not disclose the blade unit is retained by an interference fit with the protrusion.

Kohring discloses an interference fit between another set of latches (34 figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the lateral latches engage the cartridge with an interference fit, since the use of interference fits for cartridge retention is disclosed by Kohring. The motivation to combine is that having an additional interference fit retention mechanism will better retain the cartridge (it will be more secure).

34. Regarding claim 7/5/3 and 37, Kohring does not disclose the blade unit is retained by an interference fit with the protrusion.

Kohring discloses an interference fit between another set of latches (34 figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the lateral latches engage the cartridge with an interference fit, since the use of interference fits for cartridge retention is disclosed by Kohring. The motivation to combine is that having an additional

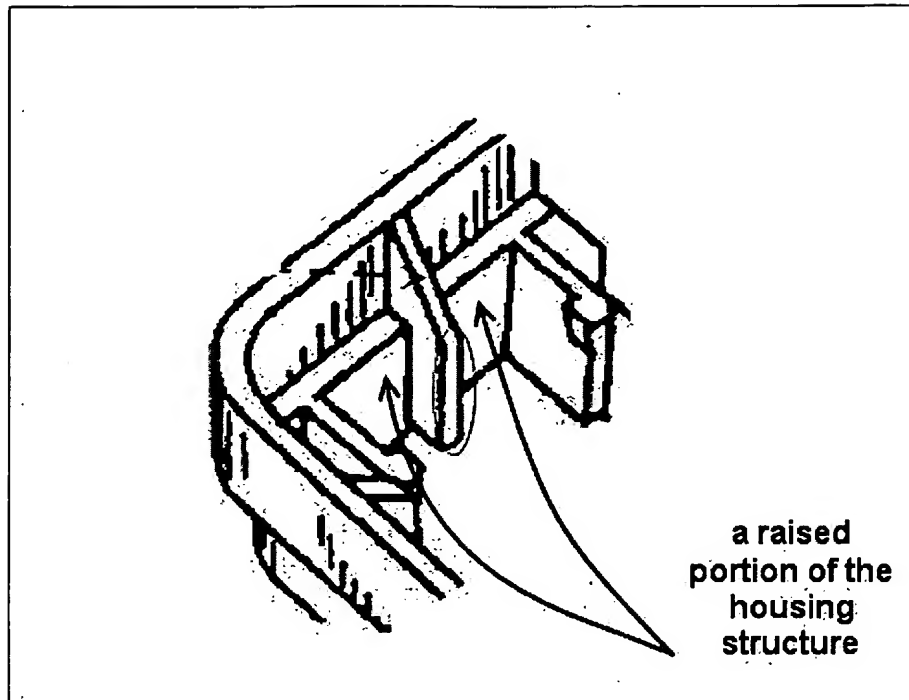
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interference fit retention mechanism will better retain the cartridge (it will be more secure).

35. Regarding claims 29 and 30, Kohring does not disclose that the latching portion comprises an elastomer, but discloses the use of Plastic, which is in many ways similar to an elastomer.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by using an elastomer latch, since it has been held to be within the general skill of a worker in the art to select a known component or material on the basis of suitability for the intended use as a matter of obvious mechanical design expediency. *In re Leshin*, 125 USPQ 416. Also see MPEP 2144.07. *Sinclair & Carroll Co. v. Interchemical Corp.* states "Reading a list and selecting a known compound to meet known requirements is no more ingenious than selecting the last piece to put in the last opening in a jig-saw puzzle." 325 U.S. at 335, 65 USPQ at 301.). Since the properties of many materials (including elastomers) are well known, the designation of a specific material does nothing to enhance the patentability of a design.

If the latch portion were modified as above, there would still be a raised portion of the housing structure (seen below) which would underlie the elastomer latch.



36. Regarding claims 59 and 60, Kohring does not disclose that the width of the dispenser is 1-2% smaller than the width of the blade unit, nor does Kohring disclose that the width of the dispenser is .2-.8 mm less than the width of the blade unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the difference in dimension within the stated ranges, since it has been held that discovering an optimum result of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Finding an appropriate tolerance for parts having an interference fit requires no special skill and can be accomplished by a table, with no inventive input. The selection of component dimensions can be accomplished by one of below average skill in the art.

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37. Claims 1, 18; 19, 20, 23-28, 48-50, 54, and 56-58, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring in view of Petricca (USPN 6,041,926).

38. Regarding claims 18, 19, 20, 23, and 48-50, 53 Kohring further teaches that the cartridge dividers include blade unit dividers that extend perpendicularly from the base (18, 19, 20, 21 figure 1)) and define blade unit regions in which the blade units are received (the dividers demark the limits of a region within which the blade units are received; 24, 25, 26, 27, 28; figure 1).

Kohring does not teach that the cartridge dividers include angled dividers that extend from the ends of respective blade unit dividers at acute angles. Kohring does not disclose that the angled region of one section partially overlies a blade unit region of an adjacent section. Kohring also does not teach a stabilizing feature disposed on any cartridge divider, configured to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section.

Petricca teaches a razor cartridge dispenser having blade unit dividers (36 figure 10) perpendicular to the base (figure 4), and acute angled dividers (44, 22, figure 6) that extend from the ends of the respective blade unit dividers (as seen in figure 6 and 10). The angled dividers define angled regions through which the blade units pass in delivery to and removal from the blade unit regions and in which a cartridge connecting structure is received (figure 10). Petricca further teaches that the angled region of one section partially overlies a blade unit region of an adjacent section (figure 10). Petricca

further teaches a stabilizing feature (54 figures 6 and 10) disposed on any cartridge divider (seen in figure 6), configured to engage the cartridge connecting portion (figure 10) and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section (figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the dispenser have angled dividers exactly as taught by Petricca. The motivation to combine is that it is desirable to have a divider as taught by Petricca to retain and enclose the cartridge connecting portion specifically. Restricting the movement of all cartridge components is important to provide a secure and reliable retention of the cartridge. Allowing a cartridge connecting portion to flop with movement of the base would allow the entire cartridge to gain momentum, making its inadvertent release more likely.

39. Regarding claims 24, 25, 54, and 56, Kohring does not disclose angled dividers having a feature disposed and radiused so as to prevent contact between a stabilizing feature and a rear edge of the cartridge.

The angled dividers as taught by Petricca have features (47 figure 3; 46, 24 figure 1) which are radiused and disposed such that they are capable of preventing contact between a rear edge (94 figure 10; alternately the edge closest to pivot 79 figure 10) and the stabilizing feature (22 figures 1 and 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having the dispenser have angled dividers exactly as taught by Petricca. The motivation to combine is that it is desirable to

have a divider as taught by Petricca to retain and enclose the cartridge connecting portion specifically. Restricting the movement of all cartridge components is important to provide a secure and reliable retention of the cartridge. Allowing a cartridge connecting portion to flop with movement of the base would allow the entire cartridge to gain momentum, making its inadvertent release more likely

40. Regarding claims 26, 27, 57 and 58, Kohring does not disclose that said raised members have concave upper edges. Kohring also does not disclose that the raised members are adjacent to a lower portion of a convex surface of an angled cartridge divider.

Petricca discloses having raised members (38 figures 1 and 10) which are concave (seen in figure 1). They are described as being for keeping the blades off the bottom of the dispenser, as are the raised members disclosed by Kohring. Petricca further discloses that the raised members are adjacent to a lower portion of a convex surface of an angled cartridge divider (see figure 10, 38 is adjacent to 90, which is an angled cartridge divider; 38 and 46 are adjacent in figure 1)

In the same field of invention it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the raised members of Kohring with the raised members of Petricca, since they were art recognized equivalent structures and perform the same function. The motivation to combine is that the raised members of Petricca allow for easier removal of the cartridge in engagement with a handle, since they cam with and guide the blade cartridge out of the blade receiving portion and along the angled blade divider of an adjacent section.

41. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring in view of Petricca further in view of Rozenkranc (USPN 6,276,061).

Kohring in view of Petricca does not teach the use of a trimming blade mounted on the rear edge of the cartridge but teaches the use of a standard cartridge (blades on one side only). Nothing about the dispenser depends on or interacts with the trimming blade in any way. There is no criticality that the cartridge have a trimming blade.

Rozenkranc teaches a cartridge having a trimming blade disposed on the rear of the cartridge (4 figure 1)

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring in view of Petricca by having the cartridge have a trimming blade disposed on the rear of the cartridge as taught by Rozenkranc. The motivation to combine is that adding a trimming blade gives an additional function to the razor, which may be marketable or better for trimming hair in areas where precision is desired (column 2 lines 1-2).

Conclusion

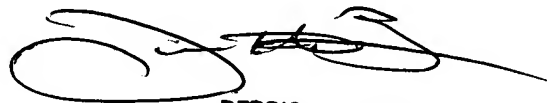
42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Petricca (USPN 6,499,595); Kiraly et al. (USPN 4,173,285); Wain (USPN 5,636,442); Peyser (USPGPUB 2002/0184770); Motta (USPN D256,998); Bowman (USPN D324,299).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMM



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